

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

KENNETH LAMONTE HARDY, SR.,)	
)	
Plaintiff,)	
)	
vs.)	1:11-cv-1423-TWP-MJD
)	
RICHARD HOWELL, et al.,)	
)	
Defendants.)	

Entry Concerning Selected Matters

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. The plaintiff's motion for the appointment of counsel [Dkt. 47] has been considered.

a. The plaintiff asserts that he has been unsuccessful in recruiting representation on his own. Although the court concludes, based on the above filing, that the plaintiff has made a reasonable effort to secure representation, he should continue his own effort.

b. The court proceeds to the second inquiry required in these circumstances. The court's task in this second inquiry is to analyze the plaintiff's abilities as related to "the tasks that normally attend litigation: evidence gathering, preparing and responding to motions and other court filings, and trial." *Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007). Accordingly, the question is not whether an attorney would help the plaintiff's case, but whether, given the difficulty of the case, the plaintiff seems competent to litigate it himself. *Id.* at 653-655. At this point, and based on the plaintiff's comprehensible filings, his use of the court's processes, his familiarity with both the factual circumstances surrounding his claims and with the legal issues associated with those claims, the plaintiff is competent to litigate on his own.

c. Based on the foregoing, therefore, the plaintiff's motion for appointment of counsel [Dkt. 47] is **denied**.

2. The plaintiff's motion for discovery information [Dkt. 49] is **denied** because a) it is an unauthorized attempt to obtain discovery outside the scope of Rule 34 of the *Federal Rules of Civil Procedure*, b) discovery was closed on June 15, 2012, and c) he did not seek a further extension of that deadline before it passed.

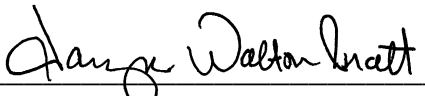
3. The plaintiff's motion to proceed beyond set interrogatory limit [Dkt. 50] is **denied** as untimely. In addition, he has not tendered proposed additional interrogatories or shown cause why additional interrogatories are necessary.

4. The plaintiff's motions for extension of time to respond to motion for summary judgment [Dkt. 48, 55] are **granted**. He shall have a **final extension, through January 8, 2013**, in which to file his response. No extension is granted pursuant to Rule 56(d) because the plaintiff has personal knowledge of the event at issue and can include with his response to the motion for summary judgment his own affidavit. He has shown no basis on which to defer a ruling on the motion for summary judgment or to permit additional discovery before he files his response.

5. The plaintiff's request for an order for the prison to provide him more time in the law library [Dkt. 54] is **denied** as outside the scope of the court's authority.

IT IS SO ORDERED.

Date: 12/11/2012


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

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